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OFFICE OF PETITIONS

In re Application of	:	
Alessandro Manneschi	:	
Application No.: 10/817387	:	DECISION ON
Filing or 371(c) Date: 04/01/2004	:	PETITION
Attorney Docket Number: 15675P521	:	

This is a decision in response to the Request for Reconsideration of Petition to Revive, filed December 6, 2007. The petition is properly treated under 37 CFR § 1.181.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the Notice Regarding Drawings ("Notice"), mailed March 2, 2006. The Notice set a non-extendable two (2) month period for reply. No reply having been received, the application became abandoned on May 8, 2006. A Notice of Abandonment was mailed June 21, 2006.

Applicant filed a petition to withdraw the holding of abandonment on October 9, 2007, which was dismissed in Decision mailed November 16, 2007, for failing to meet the requirements of a grantable petition under 37 CFR 1.181.

Applicant files the present renewed petition and includes a statement under 37 CFR 1.8(b)(3) from Ms. D'Elia wherein Ms. D'Elia states that on March 22, 2006, [she] deposited the drawing at issue along with the Reply to the Notice Regarding Drawings dated March 2, 2006 under Certificate of Mailing dated March 22, 2006.

The file record does not include the originally submitted papers. Failure to receive correspondence which includes a certificate of mailing or certificate of facsimile transmission is addressed in 37 CFR 1.8(b), reproduced below:

(b) In the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the U.S. Patent and Trademark Office after a reasonable amount of time has elapsed from the time of mailing or transmitting of the correspondence, or after the application is held to be abandoned, or after the proceeding is dismissed, terminated, or decided with prejudice, the correspondence will be considered timely if the party who forwarded such correspondence:

- (1) Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence;
 - (2) Supplies an additional copy of the previously mailed or transmitted correspondence and certificate; and
 - (3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Director to the previous timely mailing or transmission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement.
- (c) The Office may require additional evidence to determine if the correspondence was timely filed. (Emphasis supplied).

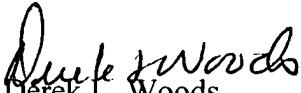
37 CFR 1.8(b)

Applicant has complied with the requirements of 37 CFR 1.8(b).

In view of the foregoing, the petition is granted. The holding of abandonment is hereby withdrawn.

The application will be referred to Technology Center Art Unit 2859 for processing of the Reply to the Notice Regarding Drawings, and for continued processing of the application.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.


Derek L. Woods
Attorney
Office of Petitions